



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carlin Long, Eric N. Olson,  
Michael Bristow and  
Timothy A. McKinsey

Serial No.: 10/801,985

Patent No.: 6,946,441

Filed: March 16, 2004

Issued: September 20, 2005

For: INHIBITION OF HISTONE  
DEACETYLASE AS A TREATMENT  
FOR CARDIAC HYPERTROPHY

Notice of Allowance

Date: April 29, 2005

Group Art Unit: 1632

Examiner: Raymond J. Henley, III.

Atty. Dkt. No.: MYOG:034USC1

Adjustment date: 11/22/2005 SLUANG1  
01/14/2005 MAHME1 00000003 10801985  
01 FC:2814 -65.00 OP

11/22/2005 SLUANG1 00000008 10801985

01 FC:1814 130.00 OP

Adjustment date: 11/22/2005 SLUANG2  
08/02/2005 HDE1A2 00000035 10801985  
01 FC:2501 -700.00 OP

CERTIFICATE OF MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited  
with the U.S. Postal Service as First Class Mail in an  
envelope addressed to: Commissioner for Patents,  
Alexandria, VA 22313-01450, on the date below:

November 18, 2005  
Date

Steven L. Highlander

**NOTIFICATION OF CHANGE OF ENTITY STATUS FROM SMALL  
TO LARGE ENTITY PURSUANT TO 37 CFR § 1.27(g)(2)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-01450

Sir:

Applicants hereby request a change of status from small entity to large entity for the  
above-identified application.

The issue fee in this case was paid on July 28, 2005. The PTOL-85 indicates a small  
entity issue fee of \$700.00. Applicants' representative has recently received notification that

Applicants are no longer entitled to claim small entity status for this application and thus the

11/22/2005 SLUANG2 00000002 10801985

01 FC:1501

1400.00 OP

25592434.1

payment of small entity fee was in error. Therefore, Applicants are submitting the remaining fee of \$700.00 for large entity status concurrently herewith. The change of status occurred when the application was licensed to a large entity.

While reviewing the fees paid in this case, Applicants' representative noted that Applicants paid a small entity fee of \$65.00 for a Terminal Disclaimer on January 5, 2005, along with the Amendment and Request for Reconsideration Under 37 C.F.R. § 1.111, when non-small entity fees should have been paid.

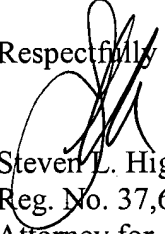
Therefore, pursuant to 37 C.F.R. § 1.28(c)(2)(i), Applicants submit herewith a check in the amount of \$765.00, which Applicants believe is the total amount of deficiency owed for the previous fees itemized below erroneously paid as a small entity:

Type of Fee	Date Submitted	Amount Paid/ Time of Filing (small entity)	Amount Due/ Current Date (large entity)	Amount of Deficiency Submitted Herewith
Issue Fee	07/28/05	\$ 700.00	\$1,400.00	\$ 700.00
Terminal Disclaimer	01/05/05	\$65.00	\$130.00	\$ 65.00
TOTALS		\$765.00	\$1,530.00	\$765.00

In view of the above, Applicants' representative respectfully submits that the requirements of 37 CFR § 1.28 have been met and requests designation of this case as a non-small entity and acceptance of the fees submitted herewith.

If the check is inadvertently omitted, or should any additional fees be required under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/MYOG:034USC1/SLH.

Respectfully submitted,

  
Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
512.536.3035

Date: November 18, 2005



Transmittal Form to Commissioner for Patents

November 18, 2005

Our reference: MYOG:034USC1

Client reference: CU TTO File No. 2002.054H

bcc: David Poticha, Esq.  
Annalisa Philbin, Esq. (w/encl.) for distribution to:  
Carlin Long, Ph.D.  
Michael Bristow, Ph.D.  
Eric N. Olson, Ph.D.  
Timothy A. McKinsey, Ph.D.